

110TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. BAUCUS (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Promoting American  
3 Agricultural and Medical Exports to Cuba Act of 2007”.

4 **SEC. 2. CLARIFICATION OF PAYMENT TERMS UNDER**  
5 **TRADE SANCTIONS REFORM AND EXPORT EN-**  
6 **HANCEMENT ACT OF 2000.**

7 Section 908(b)(1) of the Trade Sanctions Reform and  
8 Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1))  
9 is amended by inserting after subparagraph (B) the fol-  
10 lowing:

11 “(C) Notwithstanding any other provision  
12 of law, the term ‘payment of cash in advance’  
13 means the payment by the purchaser of an agri-  
14 cultural commodity or product and the receipt  
15 of such payment by the seller prior to—

16 “(i) the transfer of title of such com-  
17 modity or product to the purchaser; and

18 “(ii) the release of control of such  
19 commodity or product to the purchaser.”.

20 **SEC. 3. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN**  
21 **CUBAN AND UNITED STATES DEPOSITORY IN-**  
22 **STITUTIONS.**

23 (a) IN GENERAL.—Notwithstanding any other provi-  
24 sion of law, the President may not restrict direct transfers  
25 from a Cuban depository institution to a United States  
26 depository institution executed in payment for a product

1 authorized for sale under the Trade Sanctions Reform and  
2 Export Enhancement Act of 2000 (22 U.S.C. 7201 et  
3 seq.).

4 (b) DEPOSITORY INSTITUTION DEFINED.—For pur-  
5 poses of subsection (a), the term “depository institution”  
6 means any entity that is engaged primarily in the business  
7 of banking (including a bank, savings bank, savings asso-  
8 ciation, credit union, trust company, or bank holding com-  
9 pany).

10 **SEC. 4. ESTABLISHMENT OF AGRICULTURAL EXPORT PRO-**  
11 **MOTION PROGRAM WITH RESPECT TO CUBA.**

12 (a) IN GENERAL.—The Secretary of Agriculture shall  
13 establish a program to provide information and technical  
14 assistance to United States agricultural producers, cooper-  
15 ative organizations, or state agencies that promote the sale  
16 of agricultural commodities, in order to promote and facili-  
17 tate United States exports of agricultural products to  
18 Cuba as authorized by the Trade Sanctions Reform and  
19 Export Enhancement Act of 2000.

20 (b) TECHNICAL ASSISTANCE TO FACILITATE EX-  
21 PORTS.—The Secretary shall maintain on a website on the  
22 Internet information to assist exporters and potential ex-  
23 porters of United States agricultural commodities with re-  
24 spect to Cuba.

1       (c) AUTHORIZATION OF FUNDS.—The Secretary is  
2 authorized to expend such sums as may be available in  
3 the Agricultural Export Promotion Trust Fund estab-  
4 lished under section 10 to carry out the provisions of this  
5 section.

6 **SEC. 5. SENSE OF CONGRESS THAT VISAS SHOULD BE**  
7 **ISSUED.**

8       (a) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that the Secretary of State should issue visas for  
10 temporary entry into the United States to nationals of  
11 Cuba whose itinerary documents an intent to conduct ac-  
12 tivities, including phytosanitary inspections, relating to  
13 the purchase of United States agricultural goods pursuant  
14 to the provisions of the Trade Sanctions Reform and Ex-  
15 port Enhancement Act of 2000 (22 U.S.C. 7201 et seq.).

16       (b) PERIODIC REPORTS.—

17           (1) IN GENERAL.—Not later than 45 days after  
18 the date of the enactment of this Act, and every 90  
19 days thereafter, the Secretary of State shall submit  
20 to the Committee on Finance, the Committee on Ag-  
21 riculture, Nutrition, and Forestry, and the Com-  
22 mittee on Foreign Relations of the Senate, and the  
23 Committee on Agriculture, the Committee on Ways  
24 and Means, and the Committee on Foreign Affairs

1 of the House of Representatives a report on the  
2 issuance of visas described in subsection (a).

3 (2) CONTENT OF REPORTS.—Each report under  
4 paragraph (1) shall contain a full description of each  
5 application received from a national of Cuba for a  
6 visa to travel to the United States to engage in pur-  
7 chasing activities pursuant to the provisions of the  
8 Trade Sanctions Reform and Export Enhancement  
9 Act of 2000 (22 U.S.C. 7201 et seq.) and shall de-  
10 scribe the disposition of each such application.

11 **SEC. 6. ADHERENCE TO INTERNATIONAL AGREEMENTS**  
12 **FOR THE MUTUAL PROTECTION OF INTEL-**  
13 **LECTUAL PROPERTY, INCLUDING REPEAL OF**  
14 **SECTION 211.**

15 (a) REPEAL OF PROHIBITION ON ENFORCEMENT OF  
16 RIGHTS TO CERTAIN UNITED STATES INTELLECTUAL  
17 PROPERTIES AND TRANSFER OF SUCH PROPERTIES.—

18 (1) REPEAL.—Section 211 of the Department  
19 of Commerce and Related Agencies Appropriations  
20 Act, 1999 (section 101(b) of division A of Public  
21 Law 105–277; 112 Stat. 2681–88) is repealed.

22 (2) REGULATIONS.—The Secretary of the  
23 Treasury shall promulgate such regulations as are  
24 necessary to carry out the repeal made by paragraph  
25 (1), including removing any prohibition on trans-

1 actions or payments to which subsection (a)(1) of  
2 section 211 of the Department of Commerce and  
3 Related Agencies Appropriations Act, 1999, applied.

4 (3) FURTHER REGULATIONS.—The Secretary of  
5 the Treasury shall amend the Cuban Assets Control  
6 regulations (part 515 of title 31, Code of Federal  
7 Regulations) to authorize under general license the  
8 transfer or receipt of any trademark or trade name  
9 subject to United States law in which a national of  
10 a designated foreign country has an interest. The fil-  
11 ing and prosecution of opposition and infringement  
12 proceedings related to any trademark or trade name  
13 in which a national of a designated foreign country  
14 has an interest and the prosecution of any defense  
15 to such proceedings shall also be authorized by gen-  
16 eral license.

17 **SEC. 7. TRAVEL TO CUBA.**

18 (a) FREEDOM OF TRAVEL FOR UNITED STATES CITI-  
19 ZENS AND LEGAL RESIDENTS.—On and after the date of  
20 the enactment of this Act, and subject to subsection (c)—

21 (1) the President may not regulate or prohibit,  
22 directly or indirectly, travel to or from Cuba by  
23 United States citizens or legal residents, or any of  
24 the transactions incident to such travel that are set  
25 forth in subsection (b); and

1           (2) any regulation in effect on such date of en-  
2           actment that regulates or prohibits travel to or from  
3           Cuba by United States citizens or legal residents or  
4           transactions incident to such travel shall cease to  
5           have any force or effect.

6           (b) TRANSACTIONS INCIDENT TO TRAVEL.—

7           (1) IN GENERAL.—The transactions incident to  
8           travel referred to in subsection (a) are—

9                   (A) any transactions ordinarily incident to  
10                  travel to or from Cuba, including the importa-  
11                  tion into Cuba or the United States of accom-  
12                  panied baggage for personal use only;

13                  (B) any transactions ordinarily incident to  
14                  travel or maintenance within Cuba, including  
15                  the payment of living expenses and the acquisi-  
16                  tion of goods or services for personal use;

17                  (C) any transactions ordinarily incident to  
18                  the arrangement, promotion, or facilitation of  
19                  travel to, from, or within Cuba;

20                  (D) any transactions incident to non-  
21                  scheduled air, sea, or land voyages, except that  
22                  this paragraph does not authorize the carriage  
23                  of articles into Cuba or the United States other  
24                  than accompanied baggage described in sub-  
25                  paragraph (A); and

1                   (E) normal banking transactions incident  
2                   to the activities described in subparagraphs (A)  
3                   through (D) of this paragraph, including the  
4                   issuance, clearing, processing, or payment of  
5                   checks, drafts, travelers checks, credit or debit  
6                   card instruments, or similar instruments.

7                   (2) EXCEPTION.—Nothing in this section shall  
8                   be deemed to authorize the importation into the  
9                   United States of any goods acquired in Cuba for  
10                  personal consumption.

11                  (c) LIMITATIONS.—The provisions of this section  
12                  shall not apply in a case in which the United States is  
13                  at war with Cuba, armed hostilities between the 2 coun-  
14                  tries are in progress, or there is imminent danger to the  
15                  public health or the physical safety of citizens and lawful  
16                  permanent residents of the United States who travel to  
17                  Cuba.

18                  (d) EFFECTIVE DATE.—

19                   (1) IN GENERAL.—The provisions of this sec-  
20                   tion apply to actions taken by the President before  
21                   the date of the enactment of this Act and that are  
22                   in effect on such date of enactment, and to actions  
23                   taken on or after such date of enactment.

24                   (2) INAPPLICABILITY OF OTHER PROVISIONS.—

25                  This section applies notwithstanding section 102(h)

1 of the Cuban Liberty and Democratic Solidarity  
2 (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)) and  
3 section 910(b) of the Trade Sanctions Reform and  
4 Export Enhancement Act of 2000 (22 U.S.C.  
5 7209(b)).

6 **SEC. 8. EXPORT OF MEDICINES AND MEDICAL DEVICES TO**  
7 **CUBA.**

8 (a) REPEAL OF REQUIREMENT FOR ONSITE  
9 VERIFICATIONS.—Section 1705 of the Cuban Democracy  
10 Act of 1992 (22 U.S.C. 6004) is amended by striking sub-  
11 section (d).

12 (b) RULE OF CONSTRUCTION.—Nothing in the  
13 amendment made by subsection (a) shall be construed to  
14 restrict the authority of the President to—

15 (1) impose export controls with respect to the  
16 export of medicines or medical devices under sec-  
17 tions 5 or 6 of the Export Administration Act of  
18 1979; or

19 (2) exercise the authorities the President has  
20 under the International Emergency Economic Pow-  
21 ers Act with respect to Cuba pursuant to a declara-  
22 tion of national emergency required by that Act that  
23 is made on account of an unusual and extraordinary  
24 threat, that did not exist before the enactment of

1       this Act, to the national security, foreign policy, or  
2       economy of the United States.

3   **SEC. 9. INCREASE IN AIRPORT TICKET TAX FOR TRANSPOR-**  
4                   **TATION BETWEEN UNITED STATES AND**  
5                   **CUBA; ESTABLISHMENT OF AGRICULTURAL**  
6                   **EXPORT PROMOTION TRUST FUND.**

7       (a) INCREASE IN TICKET TAX.—Subsection (c) of  
8       section 4261 of the Internal Revenue Code of 1986 (relat-  
9       ing to use of international travel facilities) is amended by  
10      adding at the end the following new paragraph:

11           “(4) SPECIAL RULE FOR CUBA.—In any case in  
12      which the tax imposed by paragraph (1) applies to  
13      transportation beginning or ending in Cuba before  
14      January 1, 2013, such tax shall be increased by  
15      \$1.00.”.

16      (b) AGRICULTURAL EXPORT PROMOTION TRUST  
17      FUND.—

18           (1) IN GENERAL.—Subchapter A of chapter 98  
19      of the Internal Revenue Code of 1986 (relating to  
20      establishment of trust funds) is amended by adding  
21      at the end the following new section:

22   **“SEC. 9511. AGRICULTURAL EXPORT PROMOTION TRUST**  
23                   **FUND.**

24           “(a) CREATION OF TRUST FUND.—There is estab-  
25      lished in the Treasury of the United States a trust fund

1 to be known as the ‘Agricultural Export Promotion Trust  
2 Fund’, consisting of such amounts as may be appropriated  
3 or credited to such fund as provided in this section or sec-  
4 tion 9602(b).

5 “(b) TRANSFERS TO TRUST FUND.—There are here-  
6 by appropriated to the Agricultural Export Promotion  
7 Trust Fund amounts equivalent to the taxes received in  
8 the Treasury by reason of section 4261(c)(4).

9 “(c) EXPENDITURES.—Amounts in the Agricultural  
10 Export Promotion Trust Fund shall be available, as pro-  
11 vided by appropriation Acts, for making expenditures to  
12 the Secretary of Agriculture for the purposes set out in  
13 section 4.”.

14 (2) CONFORMING AMENDMENT.—Subparagraph  
15 (B) of section 9502(b)(1) of such Code is amended  
16 by inserting “(other than by reason of subsection  
17 (c)(4) thereof)” after “sections 4261”.

18 (3) CLERICAL AMENDMENT.—The table of sec-  
19 tions for subchapter A of chapter 98 of such Code  
20 is amended by adding at the end the following new  
21 item:

“Sec. 9511. Agricultural Export Promotion Trust Fund.”.

22 (c) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply to transportation beginning  
24 after the 90-day period beginning on the date of the enact-

1 ment of this Act, except that such amendment shall not  
2 apply to amounts paid before the end of such period.